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January 30, 2020

Via ECF

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Jeffrey Jordan v. Krasdale Foods, Inc.
Civil Action No. 18-cv-11477-ER

Dear Judge Ramos:

Our office represents Plaintiff in this matter, and we write jointly with counsel for Defendant pursuant to the Court's January 13, 2020 Opinion and Order denying the parties' joint application for settlement approval (the "Opinion and Order") (Dkt. No. 23).

As the Court is aware, on November 15, 2019, the parties filed a joint application for settlement agreement approval pursuant to *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015) (the "Settlement Agreement") (Dkt. No. 21). On January 13, 2020, the Court issued an Opinion and Order denying the parties' application for settlement agreement approval because (1) the parties' settlement agreement provides that part of Plaintiff's settlement amount is to be reported on an IRS Form 1099 as opposed to an IRS Form W-2; (2) Plaintiff did not provide documentation to support the reasonableness of the Plaintiff's requested attorneys' fees; and (3) the parties failed to submit to the Court a second agreement referenced in the parties' application for settlement approval.

The parties have revised their Settlement Agreement as directed by the Opinion and Order and submit said revised Settlement Agreement as **Exhibit 1** for the Court's review and approval. The parties have amended the consideration clause of the Settlement Agreement so that all of the settlement payments due to Plaintiff are to be reported on a W-2 Form. Further, Plaintiff's counsel also submits their time records, which are attached

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hereto as **Exhibit 2**. Lastly, the parties will submit the second agreement to the Court for *in camera* review.¹

Based on the foregoing, the parties move this Court to renew their application for settlement approval, incorporating all prior submissions in this application, and respectfully request that the parties' revised Settlement Agreement be approved.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Katherine Morales

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¹ Pursuant to Your Honor's Individual Rules of Practice, Section 1. A., the parties will submit the second agreement to the Court via email.